

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
Caption in Compliance with D.N.J. LBR 9004-1(b)

826234  
PHELAN HALLINAN DIAMOND & JONES, PC  
1617 JFK Boulevard, Suite 1400  
Philadelphia, PA 19103  
856-813-5500  
Attorneys for WELLS FARGO BANK, N.A. AS SUCCESSOR  
BY MERGER TO WACHOVIA

In Re:

RICHARD MORMANDO  
ELAINE MORMANDO



Order Filed on September 16, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No.: 18-19241  
Chapter 13  
Judge: Michael B. Kaplan

Recommended Local Form: ☒ Followed ☐ Modified

**ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) and three (3) is hereby **ORDERED**.

**DATED: September 16, 2019**

A handwritten signature of Michael B. Kaplan in black ink, written over a horizontal line.  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

Applicant: WELLS FARGO BANK, N.A. AS SUCCESSOR BY MERGER TO WACHOVIA

Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC

Debtor's Counsel: James J. Cerbone, Esquire, Esquire

Property Involved ("Collateral"): 14 BELLFLOWER DRIVE, LAKEWOOD, NJ 08701

Relief sought: ☒ Motion for relief from the automatic stay  
☐ Motion to dismiss  
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☐ The Debtor is overdue for \_\_\_\_\_ months, from \_\_\_\_\_ to \_\_\_\_\_.
- ☐ The Debtor is overdue for \_\_\_\_\_ payments at \$\_\_\_\_\_ per month.
- ☐ The Debtor is assessed for \_\_\_\_\_ late charges at \$\_\_\_\_\_ per month.
- ☐ Applicant acknowledges suspense funds in the amount of \$\_\_\_\_\_.

Total Arrearages Due \$0.

2. Debtor must cure all post-petition arrearages, as follows:

- ☐ Immediate payment shall be made in the amount of \$\_\_\_\_\_. Payment shall be made no later than \_\_\_\_\_.
- ☒ Beginning on 09/30/2019, regular monthly mortgage payments shall continue to be made.
- ☐ Beginning on \_\_\_\_\_, additional monthly cure payments shall be made in the amount of \$\_\_\_\_\_ for \_\_\_\_\_ months.
- ☐ The amount of \$\_\_\_\_\_ shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry

of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment:

☒ Regular Monthly payment:

Wells Fargo Home Equity

PO Box 14529

Des Moines, IA 50306-3529

☐ Monthly cure payment:

4. In the event of Default:

☒ Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification

shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$\_\_\_\_\_, and costs of \$\_\_\_\_\_.

The fees and costs are payable:

☐ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within \_\_\_\_\_ days.

☐ Attorneys' fees are not awarded.

6. This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.

**Certificate of Notice Page 5 of 5**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Richard Mormando  
Elaine Mormando  
Debtors

Case No. 18-19241-MBK  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Sep 19, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 21, 2019.  
db/jdb +Richard Mormando, Elaine Mormando, 14 Bellflower Drive, Lakewood, NJ 08701-7363

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 21, 2019

Signature: /s/Joseph Speetjens

---

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 19, 2019 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
Denise E. Carlon on behalf of Creditor Toyota Lease Trust dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
James J. Cerbone on behalf of Debtor Richard Mormando cerbonelawfirm@aol.com,  
cerbonejr83307@notify.bestcase.com  
James J. Cerbone on behalf of Joint Debtor Elaine Mormando cerbonelawfirm@aol.com,  
cerbonejr83307@notify.bestcase.com  
Kevin Gordon McDonald on behalf of Creditor Toyota Lease Trust kmcdonald@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Robert Davidow on behalf of Creditor WELLS FARGO BANK, N.A. AS SUCCESSOR BY MERGER TO  
WACHOVIA nj.bkecf@fedphe.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov  
William M.E. Powers on behalf of Creditor Wells Fargo Bank, N.A. ecf@powerskirn.com  
William M.E. Powers, III on behalf of Creditor Wells Fargo Bank, N.A. ecf@powerskirn.com  
TOTAL: 9